

Notice of Allowability

Application No.

10/728,650

Examiner

Jennifer H. Gay

Applicant(s)

LARSEN ET AL.

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 8/4/06 and the Examiner's Amendment included herewith.
2. ☒ The allowed claim(s) is/are 1-65 and 67-136.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Claims

It is first noted that the numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 65-135 (beginning with the second claim 65) been renumbered claims 66-136. The changes to the dependency of claims indicated below are merely reflections of the renumbering of the claims.

In Claim 73, line 1, "claim 66" has been changed to --claim 67--.

In Claim 74, line 1, "claim 66" has been changed to --claim 67--.

In Claim 75, line 1, "claim 66" has been changed to --claim 67--.

In Claim 79, line 1, "claim 75" has been changed to --claim 76--.

In Claim 80, line 1, "claim 75" has been changed to --claim 76--.

In Claim 81, line 1, "claim 75" has been changed to --claim 76--.

In Claim 82, line 1, "claim 76" has been changed to --claim 77--.

In Claim 83, line 1, "claim 76" has been changed to --claim 77--.

In Claim 84, line 1, "claim 76" has been changed to --claim 77--.

In Claim 85, line 1, "claim 77" has been changed to --claim 78--.

In Claim 86, line 1, "claim 77" has been changed to --claim 78--.

In Claim 87, line 1, "claim 77" has been changed to --claim 78--.

In Claim 91, line 1, "claim 87" has been changed to --claim 88--.

In Claim 92, line 1, "claim 87" has been changed to --claim 88--.

In Claim 93, line 1, "claim 87" has been changed to --claim 88--.

In Claim 94, line 1, "claim 88" has been changed to --claim 89--.

In Claim 95, line 1, "claim 88" has been changed to --claim 89--.

In Claim 96, line 1, "claim 88" has been changed to --claim 89--.

In Claim 97, line 1, "claim 89" has been changed to --claim 90--.

In Claim 98, line 1, "claim 89" has been changed to --claim 90--.

In Claim 99, line 1, "claim 89" has been changed to --claim 90--.

In Claim 101, line 1, "claim 99" has been changed to --claim 100--.

In Claim 103, line 1, "claim 101" has been changed to --claim 102--.

In Claim 105, line 1, "claim 103" has been changed to --claim 104--.

In Claim 129, line 1, "claim 66" has been changed to --claim 67--.

In Claim 130, line 1, "claim 75" has been changed to --claim 76--.

In Claim 131, line 1, "claim 76" has been changed to --claim 77--.

In Claim 132, line 1, "claim 77" has been changed to --claim 78--.

In Claim 133, line 1, "claim 87" has been changed to --claim 88--.

In Claim 134, line 1, "claim 88" has been changed to --claim 89--.

In Claim 135, line 1, "claim 89" has been changed to --claim 90--.

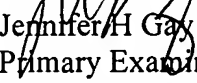
2. The following is an examiner's statement of reasons for allowance: The prior art of references fails to disclose or suggest a drill bit having two nozzle receptacles that are formed by the bit body as specifically recited in the claimed combination. It is noted that both Nguyen et al. and Larson et al. (as applied in the previous Office Action) teach multiple nozzle receptacles however the receptacles are attached to the bit body after the bit body is formed and thus are not formed by the bit body itself.

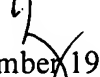
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer H. Gay whose telephone number is (571) 272-7029. The examiner can normally be reached on Monday-Thursday, 6:30-4:00 and Friday, 6:30-1:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jennifer H. Gay
Primary Examiner
Art Unit 3672

JHG 
September 19, 2006